THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO. 12749 OF 2007

DATED: 19-06-2007

Between :

M/s. Ravi Kumar Gas Agency,
Rep., by its sole proprietor,
Putur, Chittoor District.

… Petitioner

And

The Commissioner of Civil Supplies,
Civil Supplies Bhavan,
Panjagutta, Hyderabad and 3 others.

... Respondents

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO. 12749 OF 2007

ORDER :

The petitioner is holding Form-B licence granted under the provisions of A.P. Petroleum Products (Licencing and Regulation of Supplies) Order 1980 (for short 'the Order') and running a gas agency under the name and style of Ravi Kumar Gas Agency at Puttur.

The second respondent issued a show cause notice dated 29-12-2006 calling upon the petitioner to show cause as to why action should not be initiated under clause 28(1) of the Order while specifying the alleged irregularities under charges 1 to 10. The petitioner was called upon to submit his explanation within 15 days and he was also informed that the case would be heard by the second respondent on 20-01-2007. Pursuant thereto, the petitioner submitted his explanation on 18-01-2007. In the meanwhile, the licence of the petitioner was suspended pending enquiry by the second respondent by order dated 31-12-2006.

The petitioner states that thereafter, the enquiry is being adjourned by the second respondent from time to time and in spite of the fact that the petitioner has also submitted his written arguments, the second respondent has not concluded the enquiry so far. Even the Appeal preferred by the petitioner before the first respondent against the order of suspension pending enquiry, dated 31-12-2006 is still pending and has not been decided so far. Hence, this writ petition.

I have heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies appearing for the

respondents.

The material placed before this Court shows that as many as 10 charges were framed against the petitioner under the show cause notice dated 29-12-2006. The petitioner submitted a detailed explanation on 18-01-2007 denying all the allegations. He also submitted his written arguments long back.

In the circumstances, the action of the second respondent-licensing authority in keeping the enquiry pending thereby continuing the petitioner's licence in Form-B under suspension indefinitely would amount to arbitrary exercise of power.

Accordingly, the writ petition is disposed of with a direction to the second respondent to conclude the enquiry following due process of law and pass appropriate orders as expeditiously as possible preferably within a period of two weeks from the date of receipt of a copy of this order, failing which it is made clear that the Form-B licence of the petitioner shall stand restored. No costs.

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G. ROHINI, J.

Date 19-06-2007

Note: Issue C.C. in two days.

B/o

KLP